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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Phillip Potter,

10 Plaintiff,

11 v.

12 State of Arizona, et al.,

13 Defendants.
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No. CV-25-00016-PHX-KML

ORDER

15 Plaintiff Phillip Potter believes Arizona’s “Vexatious Litigant” statute, A.R.S. § 12-
16 3201, violates the First and Fourteenth Amendments. (Doc. 1.) The complaint names two
17 defendants: the state of Arizona and Arizona Attorney General Kris Mayes, in her official
18 capacity. (Doc. 1 at 1.) The court ordered Potter to “file a statement identifying the
19 jurisdictional basis for this suit.” (Doc. 8.) Potter filed a statement indicating he “has no
20 quarrel with dismissing the State of Arizona as a defendant pursuant to the Eleventh
21 Amendment.” (Doc. 9 at 1 n.1.) But Potter believes Kris Mayes is an appropriate defendant
22 under the doctrine of *Ex parte Young*, 209 U.S. 123 (1908). (Doc. 9 at 8.) Potter now also
23 argues Joseph C. Welty, the presiding judge of the Maricopa County Superior Court, and
24 Arizona Governor Katie Hobbs are proper defendants. Those individuals are not currently
25 defendants but Potter indicates he will amend his complaint to add them as such.

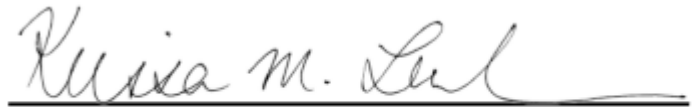
26 Potter’s plan to amend his complaint renders it unnecessary to resolve whether the
27 current complaint adequately establishes jurisdiction. Potter will be given until February 3,
28 2025, to either file an amendment as of right under Federal Rule of Civil Procedure 15(a)(1)

1 or file a motion to amend under Rule 15(a)(2). Either way, Potter must comply with Local
2 Rule 15.1 by identifying the deletions and additions in the new complaint.

3 Accordingly,

4 **IT IS ORDERED** no later than **February 3, 2025**, Potter shall either amend as of
5 right or file a motion to amend his complaint.

6 Dated this 22nd day of January, 2025.

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10 **Honorable Krissa M. Lanham**
11 **United States District Judge**
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